IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 483 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/02/2005 in WP NO : 2677 OF 2005 on the file of the High Court.)

Between:

P. Jagan Mohan Babu, S/o Late P. Jayaram Dass,
D. NO. 2/44, Kota Street, Sathyavedu, Post and Mandal,

Chittoor District.

..... APPELLANT

AND

The Superintending Engineer (I/C) T.G.P. Circle,

Srikalahasthi, Chittoor District.

.....RESPONDENT

Counsel for the Appellant: MR.P.VENUGOPAL

Counsel for the Respondent: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following:

JUDGMENT: (per the Hon'ble The Chief Justice)

Appeal is against the order passed by the learned single judge dismissing the writ petition at the admission stage.

Petitioner-appellant is a Registered Contractor Class-II doing civil contract works since 1997 and belongs to Scheduled Caste community, and questions floating of tender No.6SE/2004-2005, dated 10.01.2005, as package No.11 on the ground that the tender contravenes G.O.Ms.No.69, dated 01.02.1978. According to the appellant, G.O.Ms.No.69 enjoins upon the respondents to reserve at least 15% works for entrustment to the individuals of weaker sections. Appellant submits that the tender subject would disclose that number of works had been clubbed together and thus, respondents are avoiding to reserve 15% works to Scheduled Castes/Scheduled Tribes and weaker sections as per G.O.Ms.No.69.

Tender notice, on the face of it, would suggest that tender for package No.11 is issued under Telugu Ganga Project Circle, Srikalahasti, and that the form of contract is EPC-Turnkey system. The earnest money deposit/ bid security is Rs.1,00,00,000/- (Rupees one crore only). Between Km.42.400 and Km.151.887, the package says that cement concrete lining has to be provided to Satya Sai Ganga Canal with paver and in between the entire distance there are number of other works to be executed namely the construction of tail channel for escape regulator, construction of O.T. sluice cross regulator and construction of balance works of branch canals together with distributory system creating direct irrigation potential. It cannot be said that respondents must split each item of the work and give it to different contractors. The choice of making packages is on

the respondents. Once the respondents decided that a package would contain so many items of work, there cannot be any challenge made to the decision of the respondents that the respondents ought to have divided the package into several items of work and then distribute them. This will not only lead to unnecessary chaos but also will result in delay in execution of works. The tender notice states that the work is based on EPC-Turnkey system contract and is executable within 24 months. Learned single judge was justified in dismissing such writ petition, which is wholly misconceived.

Accordingly, the writ appeal is dismissed.

_____

(DEVINDER GUPTA, CJ)

18.03.2005

_____

(B.SESHASAYANA REDDY, J)

DR/TVR

To

1. The Superintending Engineer (I/C) T.G.P. Circle,

Srikalahasthi, Chittoor District.

2. The Principal District Judge, Chittoor

3. Two CCs to the G.P for Irrigation and Comm. Area Development,

High court of A.P., Hyderabad(O.U.T).

4 2 CD copies